



General Assembly

Substitute Bill No. 154

February Session, 2014



AN ACT CONCERNING PROBATE COURT OPERATIONS.

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

1 Section 1. Section 17a-498 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) Upon [such] an application being filed in the Probate Court
4 pursuant to the Probate Court's jurisdiction under section 17a-497,
5 such court shall assign a time, not later than ten business days
6 [thereafter] after the date the application was filed, and a place for
7 hearing such application, and shall cause reasonable notice [thereof] of
8 such hearing to be given to the respondent and to such relative or
9 relatives and friends as [it] the court deems advisable. [Said] The notice
10 shall inform [such] the respondent that he or she has a right to be
11 present at the hearing; that he or she has a right to counsel; that he or
12 she, if indigent, has a right to have counsel appointed to represent him
13 or her; and that he or she has a right to cross-examine witnesses
14 testifying at any hearing upon such application.

15 (b) (1) If the court finds such respondent is indigent or otherwise
16 unable to pay for counsel, the court shall appoint counsel for such
17 respondent, unless such respondent refuses counsel and the court
18 finds that the respondent understands the nature of his or her refusal.
19 The court shall provide such respondent a reasonable opportunity to
20 select his or her own counsel to be appointed by the court. If the

21 respondent does not select counsel or if counsel selected by the
22 respondent refuses to represent such respondent or is not available for
23 such representation, the court shall appoint counsel for the respondent
24 from a panel of attorneys admitted to practice in this state provided by
25 the Probate Court Administrator in accordance with regulations
26 promulgated by the Probate Court Administrator in accordance with
27 section 45a-77. The reasonable compensation of appointed counsel
28 shall be established by, and paid from funds appropriated to, the
29 Judicial Department, [however,] except that if funds have not been
30 included in the budget of the Judicial Department for such purposes,
31 such compensation shall be established by the Probate Court
32 Administrator and paid from the Probate Court Administration Fund.

33 (2) Prior to such hearing, such respondent or his or her counsel, in
34 accordance with the provisions of sections 52-146d to 52-146i,
35 inclusive, shall be afforded access to all records including, [without
36 limitation] but not limited to, hospital records if such respondent is
37 hospitalized, and shall be entitled to take notes [therefrom] from any of
38 such records. If such respondent is hospitalized at the time of the
39 hearing, the hospital shall make available at such hearing for use by
40 [the patient] such hospitalized respondent or his or her counsel all
41 records in its possession relating to the condition of [the] such
42 hospitalized respondent. Notwithstanding the provisions of sections
43 52-146d to 52-146i, inclusive, and subject to the rules of evidence as
44 provided in subsection (h) of this section, all such hospital records
45 directly relating to the [patient] hospitalized respondent shall be
46 admissible at the request of any party or the [Court of] Probate Court
47 in any proceeding relating to confinement to or release from a hospital
48 for psychiatric disabilities. [Nothing herein shall prevent timely
49 objection to the admissibility of evidence in accordance with the rules
50 of civil procedure.]

51 (c) (1) The court shall require the certificates, signed under penalty
52 of false statement, of at least two impartial physicians selected by the
53 court, one of whom shall be a practicing psychiatrist, [both] and each

54 of whom shall be licensed to practice medicine in the state of
55 Connecticut and shall have been [practitioners] a practitioner of
56 medicine for at least one year and shall not be connected with the
57 hospital for psychiatric disabilities to which the application is being
58 made, or related by blood or marriage to the applicant, or to the
59 respondent. Such certificates shall indicate that [they] the physicians
60 have personally examined [such person within] the respondent not
61 more than ten days [of] prior to such hearing. The court shall appoint
62 such physicians from a list of physicians and psychiatrists provided by
63 the Commissioner of Mental Health and Addiction Services and such
64 appointments shall be made in accordance with regulations [to be]
65 promulgated by the Probate Court Administrator in accordance with
66 section 45a-77. Each such physician shall make a report on a separate
67 form provided for that purpose by the [Department of Mental Health
68 and Addiction Services] Probate Court Administrator and shall answer
69 such questions as may be set forth on such form as fully and
70 completely as reasonably possible. Such form shall include, but not be
71 limited to, questions relating to the specific psychiatric disabilities
72 alleged, whether or not the respondent is dangerous to himself or
73 herself or others, whether or not such illness has resulted or will result
74 in serious disruption of the respondent's mental and behavioral
75 functioning, whether or not hospital treatment is both necessary and
76 available, whether or not less restrictive placement is recommended
77 and available and whether or not the respondent is incapable of
78 understanding the need to accept the recommended treatment on a
79 voluntary basis. [Any] Each such physician shall state upon the form
80 the reasons for his or her opinions. Such respondent or his or her
81 counsel shall have the right to present evidence and cross-examine
82 witnesses who testify at any hearing on the application. If such
83 respondent notifies the court not less than three days before the
84 hearing that he or she wishes to cross-examine the examining
85 physicians, the court shall order such physicians to appear.

86 (2) The court shall cause a recording of the testimony of such
87 hearing to be made, to be transcribed only in the event of an appeal

88 from the decree rendered [hereunder] under this section. A copy of
89 such transcript shall be furnished without charge to any appellant
90 whom the [Court of] Probate Court finds unable to pay for [the same]
91 such copy. The cost of such transcript shall be paid from funds
92 appropriated to the Judicial Department.

93 (3) If [, on such hearing,] the court finds by clear and convincing
94 evidence that the [person complained of] respondent has psychiatric
95 disabilities and is dangerous to himself or herself or others or gravely
96 disabled, [it] the court shall make an order for his or her commitment,
97 considering whether or not a less restrictive placement is available, to a
98 hospital for psychiatric disabilities to be named in such order, there to
99 be confined for the period of the duration of such psychiatric
100 disabilities or until he or she is discharged or converted to voluntary
101 status pursuant to section 17a-506 in due course of law. Such court
102 order shall further command some suitable person to convey such
103 person to such hospital for psychiatric disabilities and deliver him or
104 her, with a copy of such order and of such certificates, to the keeper
105 thereof. In appointing a person to execute such order, the court shall
106 give preference to a near relative or friend of the person with
107 psychiatric disabilities, so far as [it] the court deems it practicable and
108 judicious. Notice of any action taken by the court shall be given to the
109 respondent and his or her attorney, if any, in such manner as the court
110 concludes would be appropriate under the circumstances.

111 (d) If the respondent refuses to be examined by the court-appointed
112 physicians as [herein] provided in subsection (c) of this section, the
113 court may issue a warrant for the apprehension of the respondent and
114 a police officer for the town in which such court is located or if there is
115 no such police officer then the state police shall deliver the respondent
116 to a general hospital where the respondent shall be examined by two
117 physicians, one of whom shall be a practicing psychiatrist, in
118 accordance with subsection (c) of this section. If as a result of such
119 examination, the respondent is committed under section 17a-502,
120 transportation of the respondent to any such hospital, if such

121 respondent is a female, shall be in accordance with the provisions of
122 section 17a-505. If the respondent is not committed under section 17a-
123 502, [he] the respondent shall be released and the reports of such
124 physicians shall be sent to the [Court of] Probate Court to satisfy the
125 requirement of examination [of] by two physicians under subsection
126 (c) of this section.

127 (e) The respondent shall be given the opportunity to elect voluntary
128 status under section 17a-506 at any time prior to adjudication of the
129 application, subject to the following provisions: (1) In the event that a
130 patient is in the hospital, the patient shall be informed by a member of
131 the hospital staff within twenty-four hours prior to the time an
132 application is filed with the court, that he or she may continue in the
133 hospital on a voluntary basis under the provisions of section 17a-506,
134 and any application for involuntary commitment by the hospital shall
135 include a statement that such voluntary status has been offered to the
136 respondent and refused, and (2) in the event that a respondent is not
137 hospitalized, the notice of hearing shall inform the respondent that [he
138 or she] the respondent has the right to enter the hospital on a
139 voluntary basis under the provisions of section 17a-506, and, if the
140 respondent enters the hospital under [said] section 17a-506, the
141 application for involuntary commitment shall be withdrawn. When
142 any patient who has elected voluntary status following the filing of an
143 application but prior to adjudication in any proceeding for involuntary
144 commitment thereafter notifies the hospital that he or she wants to be
145 released, a new application for involuntary commitment may be filed.
146 If such new application is filed [within] not later than forty-five days
147 after the patient's election of voluntary status on a prior application,
148 the application for involuntary commitment may, at the discretion of
149 the judge, be heard on the merits, notwithstanding the patient's
150 subsequent request to remain a voluntary patient under the provisions
151 of section 17a-506. Notwithstanding the provisions of sections 17a-29,
152 17a-540, 17a-543, 17a-544, subsection (f) of section 17a-547 and section
153 17a-548, [in the event that] if a patient under section 17a-506 refuses to
154 accept medication or treatment in accordance with the treatment plan

155 prescribed by the attending physician and such patient is imminently
156 dangerous to himself or others, an application for involuntary
157 commitment may be filed for such patient in accordance with the
158 provisions of this section.

159 (f) The respondent shall be present at any hearing for his or her
160 commitment under this section. If the respondent is medicated at that
161 time, the hospital shall provide written notice to the court [shall be
162 notified by the hospital in writing] of such fact and of the common
163 effects of such medication.

164 (g) The hospital shall notify each patient at least annually that such
165 patient has a right to a further hearing pursuant to this section. [In the
166 event that] If the patient requests such hearing, it shall be held by the
167 [court of probate which ordered the confinement of such patient]
168 Probate Court for the district in which the hospital is located. Any such
169 request shall be immediately filed with the appropriate court by the
170 hospital. After such request is filed with the Probate Court, it shall
171 proceed in the manner provided in subsections (a), (b), (c) and (f) of
172 this section. In addition, the hospital shall furnish [each court of
173 probate] the Probate Court for the district in which the hospital is
174 located on a monthly basis with a list of all patients confined [therein]
175 in the hospital involuntarily [by such court who have been confined]
176 without release for one year since the last annual review under this
177 section of the patient's commitment or since the original commitment.
178 The hospital shall include in such notification the type of review
179 [which] the patient last received. If the patient's last annual review had
180 a hearing, the [probate court notified] Probate Court shall, within
181 fifteen business days thereafter, appoint an impartial physician who is
182 a psychiatrist from the list provided by the Commissioner of Mental
183 Health and Addiction Services as set forth in subsection (c) of this
184 section and not connected with the hospital in which the patient is
185 confined [nor] or related by blood or marriage to the original applicant
186 or to the respondent, which physician shall see and examine each such
187 patient within fifteen business days after [his] such physician's

188 appointment and make a report forthwith to such court of the
189 condition of the patient on forms provided by the [Department of
190 Mental Health and Addiction Services] Probate Court Administrator. If
191 the [Court of] Probate Court concludes that the confinement of any
192 such patient should be reviewed by such court for possible release of
193 the patient, the court, on its own motion, shall proceed in the manner
194 provided in subsections (a), (b), (c) and (f) of this section, except that
195 the examining physician shall be considered one of the physicians
196 required by subsection (c) of this section. If the patient's last annual
197 review did not result in a hearing, and in any event at least every two
198 years, the [probate court notified] Probate Court shall, within fifteen
199 business days, proceed with a hearing in the manner provided in
200 subsections (a), (b), (c) and (f) of this section. All costs and expenses,
201 including Probate Court entry fees provided by statute, in conjunction
202 with the annual psychiatric review and the judicial review under this
203 subsection, except costs for physicians appointed pursuant to this
204 subsection, shall be established by, and paid from funds appropriated
205 to, the Judicial Department, [however,] except that if funds have not
206 been included in the budget of the Judicial Department for such costs
207 and expenses, such payment shall be made from the Probate Court
208 Administration Fund. Compensation of any physician appointed to
209 conduct the annual psychiatric review, to examine a patient for any
210 hearing held as a result of such annual review or for any other biennial
211 hearing required pursuant to sections 17a-75 to 17a-83, inclusive, 17a-
212 450 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive, 17a-540 to 17a-
213 550, inclusive, 17a-560 to 17a-576, inclusive, and 17a-615 to 17a-618,
214 inclusive, shall be paid by the state from funds appropriated to the
215 Department of Mental Health and Addiction Services in accordance
216 with rates established by the Department of Mental Health and
217 Addiction Services.

218 (h) The rules of evidence applicable to civil matters in the Superior
219 Court shall apply to hearings under this section.

220 Sec. 2. Section 17a-499 of the general statutes is repealed and the

221 following is substituted in lieu thereof (*Effective October 1, 2014*):

222 All proceedings of the [Court of] Probate Court, upon application
223 made under the provisions of sections 17a-75 to 17a-83, inclusive, 17a-
224 450 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive, as amended by
225 this act, 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, and
226 17a-615 to 17a-618, inclusive, shall be in writing and filed in such court,
227 and, whenever a court passes an order for the admission of any person
228 to any state hospital for psychiatric disabilities, [it shall record the
229 same] the court shall record the order and give a certified copy of such
230 order and of the reports of the physicians to the person by whom such
231 person is to be taken to the hospital, as the warrant for such taking and
232 commitment, and shall also forthwith transmit a like copy to the
233 Commissioner of Mental Health and Addiction Services, and, in the
234 case of a person in the custody of the Commissioner of Correction, to
235 the Commissioner of Correction. Whenever a court passes an order for
236 the commitment of any person to any hospital for psychiatric
237 disabilities, it shall, within three business days, provide [a copy of the
238 order of commitment to] the Commissioner of Mental Health and
239 Addiction Services [who shall maintain] with access to identifying
240 information including, but not limited to, name, address, sex, date of
241 birth and date of commitment on all commitments ordered on and
242 after June 1, 1998. All commitment applications, orders of commitment
243 and commitment papers issued by any court in committing persons
244 with psychiatric disabilities to public or private hospitals for
245 psychiatric disabilities shall be in accordance with a form prescribed
246 by the [Attorney General] Probate Court Administrator, which form
247 shall be uniform throughout the state. [For all such commitment
248 applications and orders, the Commissioner of Mental Health and
249 Addiction Services shall cause suitable blanks, in accordance with said
250 form, to be printed and furnished at the expense of the state.] State
251 hospitals and other hospitals for persons with psychiatric disabilities
252 shall, so far as they are able, upon reasonable request of any officer of a
253 court having the power of commitment, send one or more trained
254 attendants or nurses to attend any hearing concerning the commitment

255 of any person with psychiatric disabilities and any such attendant or
256 nurse, when present, shall be designated by the court as the authority
257 to serve commitment process issued under the provisions of sections
258 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, 17a-495 to
259 17a-528, inclusive, as amended by this act, 17a-540 to 17a-550,
260 inclusive, 17a-560 to 17a-576, inclusive, and 17a-615 to 17a-618,
261 inclusive.

262 Sec. 3. Section 17a-510 of the general statutes is repealed and the
263 following is substituted in lieu thereof (*Effective October 1, 2014*):

264 (a) Any person who is a patient in a hospital for psychiatric
265 disabilities upon the order of any [court of probate] Probate Court, or
266 his or her representative, may make application to the [court of
267 probate] Probate Court for the district in which [such] the hospital is
268 located for his or her release from [said] the hospital. Upon receipt of
269 any such application, such court shall assign a time, not later than ten
270 days [thereafter] after the date the application was filed, and a place
271 for hearing such application, and shall cause reasonable notice
272 [thereof] of such hearing to be given to the applicant, to the
273 superintendent of the hospital where the applicant is confined and to
274 such relative or relatives and friends as [it] the court deems advisable.
275 [Such] The notice shall inform the applicant that he or she has a right
276 to be present at the hearing and to present evidence at the hearing; that
277 he or she has a right to counsel; that he or she, if indigent, has a right to
278 have counsel appointed to represent him or her; and that he or she has
279 a right to cross-examine witnesses at any hearing upon such
280 application. Notwithstanding the provisions of chapter 899, hospital
281 records shall be admissible in evidence, subject to the rules of evidence
282 as provided in subsection (b) of this section. [Nothing herein shall
283 prevent timely objection to the admissibility of evidence in accordance
284 with the rules of civil procedure.] Unless the court finds that further
285 confinement of the applicant is necessary in accordance with the
286 standards set forth in section 17a-498, as amended by this act, the court
287 shall order the release of such person. All of the expenses in connection

288 with an application filed under this section shall be paid by the
289 applicant, unless the applicant is indigent or otherwise unable to pay
290 such expenses, in which case such expenses shall be paid by the state
291 from funds appropriated to the Department of Mental Health and
292 Addiction Services, in accordance with rates established by [said] the
293 department, and attorney's fees shall be established by, and paid from
294 funds appropriated to, the Judicial Department, [however,] except that
295 if funds have not been included in the budget of the Judicial
296 Department for such attorney's fees, such fees shall be established by
297 the Probate Court Administrator and paid from the Probate Court
298 Administration Fund, provided in no event shall the expenses be paid
299 for any one applicant for more than two hearings in any one year,
300 including the hearing provided for in subsection (g) of section 17a-498,
301 as amended by this act. Such court may, for reasonable cause shown,
302 order any person confined in a hospital for psychiatric disabilities to be
303 removed to any other hospital for psychiatric disabilities in this state. If
304 the officers, directors or trustees of a state hospital for psychiatric
305 disabilities are notified by the superintendent of such [institution]
306 hospital or other person in a managerial capacity that he or she has
307 reason to believe that any person committed [thereto] to such hospital
308 by order of a [probate court] Probate Court does not have psychiatric
309 disabilities or is not a suitable subject to be confined in such
310 [institution] hospital, or is appropriate for voluntary status, such
311 officers, directors or trustees may discharge such person or convert the
312 status of such person to voluntary status pursuant to section 17a-506.
313 The superintendent or other director of such [institution] hospital shall
314 notify such person's next of kin or close friend of such person's
315 discharge, provided such [patient] person consents in writing to such
316 notification.

317 (b) The rules of evidence applicable to civil matters in the Superior
318 Court shall apply to hearings under this section.

319 Sec. 4. Section 4a-17 of the general statutes is repealed and the
320 following is substituted in lieu thereof (*Effective October 1, 2014*):

321 [In] (a) If a party to any action or proceeding in any court [to which
322 any person] or a person whose property rights may be affected by any
323 such action or proceeding is confined by order of any court, or as
324 provided [by] in section 17a-502 or 17a-506, in any institution for
325 persons with psychiatric disabilities in this state, [is a party or which
326 affects or relates to the property rights of any such person,] a copy of
327 all process, notices and documents required to be served upon such
328 confined person [either personally or at such confined person's abode
329 or by mail] by means other than personal service shall be sent by
330 registered or certified mail to such confined person at the institution
331 where such person is confined and [to the Commissioner of
332 Administrative Services at Hartford,] another copy thereof shall be [so
333 mailed] sent by registered or certified mail to the superintendent of the
334 institution where such person is confined. [or left with the
335 superintendent or the superintendent's representative at his or her
336 office, and another copy thereof so served upon the superintendent of
337 such institution or the superintendent's representative, for such
338 confined person, which shall be equivalent to and constitute service
339 thereof at the usual place of abode of such confined person whether he
340 or she then has another usual place of abode or not; and as soon
341 thereafter as practical and reasonable, such superintendent or such
342 superintendent's representative shall deliver such copy to such
343 confined person. Whenever service or notice is required by publication
344 only, two copies thereof shall be sent to the superintendent of the
345 institution by registered or certified mail, and one copy shall also be so
346 mailed to the Commissioner of Administrative Services at Hartford;
347 and such superintendent or such superintendent's representative shall
348 deliver one copy thereof to the confined person as soon as practical
349 and reasonable.] Such mailing and proof of delivery thereof shall
350 satisfy any requirement under law for service of such process, notices
351 or documents by means other than personal service and shall be
352 deemed equivalent to any service of such process, notices or
353 documents required under law by means other than personal service.
354 A copy of all process, notices or documents that are required to be
355 served by means of personal service on such confined person shall be

356 sent by registered or certified mail to the superintendent of the
357 institution where such person is confined, in addition to being served
358 personally on such confined person. As soon as practical and
359 reasonable after receiving a copy of any process, notice or document
360 under this subsection, such superintendent or such superintendent's
361 representative shall deliver such copy of the process, notice or
362 document to such confined person.

363 (b) No action or proceeding shall abate because of any failure to
364 comply with the provisions of this section, but the court before whom
365 any such action or proceeding is pending shall, upon finding
366 noncompliance with any of said provisions, order immediate
367 compliance with said provisions.

368 Sec. 5. Section 45a-645b of the 2014 supplement to the general
369 statutes is repealed and the following is substituted in lieu thereof
370 (*Effective October 1, 2014*):

371 The rules of evidence [in] applicable to civil [actions adopted by the
372 judges of] matters in the Superior Court shall apply to all hearings held
373 pursuant to sections 45a-644 to 45a-667v, inclusive. All testimony at a
374 hearing held pursuant to sections 45a-644 to 45a-667v, inclusive, shall
375 be given under oath or affirmation.

376 Sec. 6. Subsection (b) of section 45a-650 of the general statutes is
377 repealed and the following is substituted in lieu thereof (*Effective*
378 *October 1, 2014*):

379 (b) The rules of evidence [in] applicable to civil [actions adopted by
380 the judges of] matters in the Superior Court shall apply to all hearings
381 pursuant to this section. All testimony at a hearing held pursuant to
382 this section shall be given under oath or affirmation.

383 Sec. 7. Section 17b-751a of the 2014 supplement to the general
384 statutes is repealed and the following is substituted in lieu thereof
385 (*Effective July 1, 2014*):

386 A grandparent or other relative caregiver who is appointed a
387 guardian of a child or children [through] by the Superior Court or
388 Probate Court and who is not a recipient of subsidized guardianship
389 subsidies under section 17a-126 or foster care payments from the
390 Department of Children and Families shall, within available
391 appropriations, be eligible to apply for grants under the Kinship Fund
392 and Grandparents and Relatives Respite Fund administered by the
393 [Department of Social Services through the] Probate Court
394 Administrator.

395 Sec. 8. Section 17b-751d of the 2014 supplement to the general
396 statutes is repealed and the following is substituted in lieu thereof
397 (*Effective July 1, 2014*):

398 (a) The Department of Social Services shall be the lead state agency
399 for community-based, prevention-focused programs and activities
400 designed to strengthen and support families to prevent child abuse
401 and neglect. The responsibilities of the department shall include, but
402 not be limited to, collaborating with state agencies, hospitals, clinics,
403 schools and community service organizations, to: (1) Initiate programs
404 to support families at risk for child abuse or neglect; (2) assist
405 organizations to recognize child abuse and neglect; (3) encourage
406 community safety; (4) increase broad-based efforts to prevent child
407 abuse and neglect; (5) create a network of agencies to advance child
408 abuse and neglect prevention; and (6) increase public awareness of
409 child abuse and neglect issues. The department, subject to available
410 state, federal and private funding, shall be responsible for
411 implementing and maintaining programs and services, including, but
412 not limited to: (A) The Nurturing Families Network, established
413 pursuant to subsection (a) of section 17b-751b; (B) Family
414 Empowerment Initiative programs; (C) Help Me Grow; (D) [the
415 Kinship Fund and Grandparent's Respite Fund; (E)] Family School
416 Connection; [(F)] (E) support services for residents of a respite group
417 home for girls; [(G)] (F) legal services on behalf of indigent children;
418 [(H)] (G) volunteer services; [(I)] (H) family development training; [(J)]

419 (I) shaken baby syndrome prevention; and ~~[(K)]~~ (I) child sexual abuse
420 prevention.

421 (b) Not later than sixty days after October 5, 2009, the Commissioner
422 of Social Services shall report, in accordance with section 11-4a, to the
423 joint standing committees of the General Assembly, having cognizance
424 of matters relating to human services and appropriations and the
425 budgets of state agencies on the integration of the duties described in
426 subsection (a) of this section into the department.

427 Sec. 9. Section 45a-8c of the general statutes is repealed and the
428 following is substituted in lieu thereof (*Effective from passage*):

429 (a) The Probate Court Administrator may, within available
430 appropriations, establish a pilot truancy clinic within the [regional
431 children's probate court] Regional Children's Probate Courts for [the
432 district of] Waterbury and New Haven. The administrative judge of
433 [the regional children's probate court for the district of Waterbury]
434 each Regional Children's Probate Court, or the administrative judge's
435 designee, shall administer the truancy clinic for the administrative
436 judge's respective court.

437 (b) The principal of any elementary or middle school in the
438 Waterbury or New Haven school district, as the case may be, or the
439 principal's designee, may refer to the truancy clinic a parent or
440 guardian with a child enrolled in such school who is a truant, as
441 defined in section 10-198a, or at risk of becoming a truant. Upon
442 receiving such referral, the truancy clinic shall prepare a citation and
443 summons for the parent or guardian of the child to appear at the clinic.
444 An attendance officer authorized pursuant to section 10-199, or [an] a
445 police officer authorized pursuant to section 10-200, shall deliver the
446 citation [J] and summons and a copy of the referral to the parent or
447 guardian.

448 (c) The administrative judge of the [regional children's probate
449 court] Regional Children's Probate Court for [the district of] Waterbury

450 or New Haven may refer any matter referred to the truancy clinic to a
451 probate magistrate or attorney probate referee assigned by the Probate
452 Court Administrator pursuant to section 45a-123a to hear the matter.

453 (d) The truancy [clinic] clinics shall operate for the purpose of
454 identifying and resolving the cause of a child's truancy using
455 nonpunitive procedures. After the initial appearance made pursuant to
456 the summons described in subsection (b) of this section, the
457 participation of a parent or guardian in the truancy clinic shall be
458 voluntary. The truancy [clinic] clinics shall establish protocols for clinic
459 participation and shall establish programs and relationships with
460 schools, individuals, public and private agencies, and other
461 organizations to provide services and support for parents, guardians
462 and children participating in the [clinic] clinics.

463 (e) The Probate Court Administrator shall establish policies and
464 procedures to implement the truancy [clinic] clinics and measure the
465 [clinic's] effectiveness of the truancy clinics.

466 (f) Not later than September 1, [2012] 2014, and annually thereafter,
467 the administrative judge of the [regional children's probate court]
468 Regional Children's Probate Court for [the district of] Waterbury and
469 the administrative judge of the Regional Children's Probate Court for
470 New Haven shall each file a report with the Probate Court
471 Administrator assessing the [truancy clinic's] effectiveness of the
472 truancy clinic in the administrative judge's respective court.

473 (g) Not later than January 1, [2015] 2016, the Probate Court
474 Administrator shall submit, in accordance with section 11-4a, a report
475 assessing the effectiveness of the truancy [clinic] clinics to the joint
476 standing committees of the General Assembly having cognizance of
477 matters relating to the judiciary and education.

478 Sec. 10. (NEW) (*Effective July 1, 2014*) Whenever a Probate Court
479 appoints a conservator of the person or a conservator of the estate, the
480 court may also appoint a successor conservator of the person or

481 successor conservator of the estate. The successor conservator shall act
482 as conservator if the court accepts the resignation of the conservator or
483 removes the conservator or if the conservator is adjudicated incapable
484 or dies. The successor conservator may assume the duties of
485 conservator immediately upon the Probate Court's acceptance of the
486 resignation of the conservator of the person or conservator of the estate
487 or removing such conservator, upon such conservator being
488 adjudicated incapable or upon the death of such conservator, provided
489 a successor conservator of the estate may not assume the duties of
490 conservator of the estate before furnishing a probate bond or providing
491 proof of a restricted account if a bond or restricted account was
492 required from the conservator of the estate. The successor conservator
493 shall immediately inform the Probate Court that has jurisdiction over
494 the conservator of the person or conservator of the estate that the
495 successor conservator assumed the role of conservator of the person or
496 conservator of the estate and the reasons for assuming such role. The
497 Probate Court may issue a decree, without notice and hearing,
498 confirming the successor conservator's appointment after the
499 requirements of this section are met.

500 Sec. 11. Section 19a-575a of the general statutes is repealed and the
501 following is substituted in lieu thereof (*Effective October 1, 2014*):

502 (a) Any person eighteen years of age or older may execute a
503 document that contains health care instructions, the appointment of a
504 health care representative, the designation of a conservator of the
505 person for future incapacity and a document of anatomical gift. Any
506 such document shall be signed and dated by the maker with at least
507 two witnesses and may be in the substantially following form:

508 THESE ARE MY HEALTH CARE INSTRUCTIONS.
509 MY APPOINTMENT OF A HEALTH CARE REPRESENTATIVE,
510 THE DESIGNATION OF MY CONSERVATOR OF THE PERSON
511 FOR MY FUTURE INCAPACITY
512 AND
513 MY DOCUMENT OF ANATOMICAL GIFT

514 To any physician who is treating me: These are my health care
515 instructions including those concerning the withholding or withdrawal
516 of life support systems, together with the appointment of my health
517 care representative, the designation of my conservator of the person
518 for future incapacity and my document of anatomical gift. As my
519 physician, you may rely on these health care instructions and any
520 decision made by my health care representative or conservator of my
521 person, if I am incapacitated to the point when I can no longer actively
522 take part in decisions for my own life, and am unable to direct my
523 physician as to my own medical care.

524 I, ..., the author of this document, request that, if my condition is
525 deemed terminal or if I am determined to be permanently
526 unconscious, I be allowed to die and not be kept alive through life
527 support systems. By terminal condition, I mean that I have an
528 incurable or irreversible medical condition which, without the
529 administration of life support systems, will, in the opinion of my
530 attending physician, result in death within a relatively short time. By
531 permanently unconscious I mean that I am in a permanent coma or
532 persistent vegetative state which is an irreversible condition in which I
533 am at no time aware of myself or the environment and show no
534 behavioral response to the environment. The life support systems
535 which I do not want include, but are not limited to: Artificial
536 respiration, cardiopulmonary resuscitation and artificial means of
537 providing nutrition and hydration. I do want sufficient pain
538 medication to maintain my physical comfort. I do not intend any direct
539 taking of my life, but only that my dying not be unreasonably
540 prolonged.

541 I appoint ... to be my health care representative. If my attending
542 physician determines that I am unable to understand and appreciate
543 the nature and consequences of health care decisions and unable to
544 reach and communicate an informed decision regarding treatment, my
545 health care representative is authorized to make any and all health care

546 decisions for me, including (1) the decision to accept or refuse any
547 treatment, service or procedure used to diagnose or treat my physical
548 or mental condition, except as otherwise provided by law such as for
549 psychosurgery or shock therapy, as defined in section 17a-540, and (2)
550 the decision to provide, withhold or withdraw life support systems. I
551 direct my health care representative to make decisions on my behalf in
552 accordance with my wishes, as stated in this document or as otherwise
553 known to my health care representative. In the event my wishes are
554 not clear or a situation arises that I did not anticipate, my health care
555 representative may make a decision in my best interests, based upon
556 what is known of my wishes.

557 If is unwilling or unable to serve as my health care
558 representative, I appoint to be my alternative health care
559 representative.

560 If a conservator of my person should need to be appointed, I
561 designate be appointed my conservator. If is unwilling or unable
562 to serve as my conservator, I designate I designate to be
563 successor conservator. No bond shall be required of either of them in
564 any jurisdiction.

565 I hereby make this anatomical gift, if medically acceptable, to take
566 effect upon my death.

567 I give: (check one)

T1 (1) any needed organs or parts

T2 (2) only the following organs or parts

568 to be donated for: (check one)

T3 (1) any of the purposes stated in subsection (a) of section 19a-289j

T4 (2) these limited purposes

569 These requests, appointments, and designations are made after
570 careful reflection, while I am of sound mind. Any party receiving a

571 duly executed copy or facsimile of this document may rely upon it
572 unless such party has received actual notice of my revocation of it.

T5 Date ..., 20..

T6 L.S.

573 This document was signed in our presence by the author of this
574 document, who appeared to be eighteen years of age or older, of sound
575 mind and able to understand the nature and consequences of health
576 care decisions at the time this document was signed. The author
577 appeared to be under no improper influence. We have subscribed this
578 document in the author's presence and at the author's request and in
579 the presence of each other.

T7

T8 (Witness) (Witness)

T9

T10 (Number and Street) (Number and Street)

T11

T12 (City, State and Zip Code) (City, State and Zip Code)

T13 STATE OF CONNECTICUT
T14 }
T15 } ss.
T16 COUNTY OF

580 We, the subscribing witnesses, being duly sworn, say that we
581 witnessed the execution of these health care instructions, the
582 appointments of a health care representative, the designation of a
583 conservator for future incapacity and a document of anatomical gift by
584 the author of this document; that the author subscribed, published and
585 declared the same to be the author's instructions, appointments and
586 designation in our presence; that we thereafter subscribed the
587 document as witnesses in the author's presence, at the author's request,
588 and in the presence of each other; that at the time of the execution of
589 said document the author appeared to us to be eighteen years of age or

590 older, of sound mind, able to understand the nature and consequences
591 of said document, and under no improper influence, and we make this
592 affidavit at the author's request this day of 20...

T17
T18 (Witness) (Witness)

593 Subscribed and sworn to before me this day of 20..

T19
T20 Commissioner of the Superior Court
T21 Notary Public
T22 My commission expires:

594 (Print or type name of all persons signing under all signatures)

595 (b) Except as provided in section 19a-579b, an appointment of health
596 care representative may only be revoked by the declarant, in writing,
597 and the writing shall be signed by the declarant and two witnesses.

598 (c) The attending physician or other health care provider shall make
599 the revocation of an appointment of health care representative a part of
600 the declarant's medical record.

601 (d) In the absence of knowledge of the revocation of an appointment
602 of health care representative, a person who carries out an advance
603 directive pursuant to the provisions of this chapter shall not be subject
604 to civil or criminal liability or discipline for unprofessional conduct for
605 carrying out such advance directive.

606 (e) The revocation of an appointment of health care representative
607 does not, of itself, revoke the living will of the declarant.

608 Sec. 12. Section 45a-645 of the general statutes is repealed and the
609 following is substituted in lieu thereof (*Effective October 1, 2014*):

610 (a) Any person who has attained at least eighteen years of age, and
611 who is of sound mind, may designate in writing a person or persons

612 whom he or she desires to be appointed as conservator or successor
613 conservator of his or her person or estate or both, if he or she is
614 thereafter found to be incapable of managing his or her affairs or
615 incapable of caring for himself or herself.

616 (b) The designation shall be executed, witnessed and revoked in the
617 same manner as provided for wills in sections 45a-251 and 45a-257,
618 except that any person who is so designated as a conservator shall not
619 qualify as a witness.

620 (c) Such written instrument may excuse the person or persons so
621 designated from giving the probate bond required under the
622 provisions of section 45a-650, as amended by this act, if appointed
623 thereafter as a conservator.

624 Sec. 13. Subsection (h) of section 45a-650 of the general statutes is
625 repealed and the following is substituted in lieu thereof (*Effective*
626 *October 1, 2014*):

627 (h) The respondent or conserved person may appoint, designate or
628 nominate a conservator or successor conservator pursuant to section
629 19a-575a, as amended by this act, 19a-580e, 19a-580g or 45a-645, as
630 amended by this act, or may, orally or in writing, nominate a
631 conservator or successor conservator who shall be appointed unless
632 the court finds that the appointee, designee or nominee is unwilling or
633 unable to serve or there is substantial evidence to disqualify such
634 person. If there is no such appointment, designation or nomination or
635 if the court does not appoint the person appointed, designated or
636 nominated by the respondent or conserved person, the court may
637 appoint any qualified person, authorized public official or corporation
638 in accordance with subsections (a) and (b) of section 45a-644. In
639 considering whom to appoint as conservator or successor conservator,
640 the court shall consider (1) the extent to which a proposed conservator
641 has knowledge of the respondent's or conserved person's preferences
642 regarding the care of his or her person or the management of his or her
643 affairs, (2) the ability of the proposed conservator to carry out the

644 duties, responsibilities and powers of a conservator, (3) the cost of the
645 proposed conservatorship to the estate of the respondent or conserved
646 person, (4) the proposed conservator's commitment to promoting the
647 respondent's or conserved person's welfare and independence, and (5)
648 any existing or potential conflicts of interest of the proposed
649 conservator.

650 Sec. 14. Section 45a-661 of the general statutes is repealed and the
651 following is substituted in lieu thereof (*Effective October 1, 2014*):

652 When any person under voluntary or involuntary representation
653 becomes a settled inhabitant of any town in the state in a probate
654 district other than the one in which a conservator was appointed, and
655 is an actual resident in such district, the [court of probate] Probate
656 Court in which the conservator was appointed shall, upon motion of
657 the conservator, the person under conservatorship, the first selectman
658 or the chief executive officer of the town in which the person under
659 conservatorship resides or the husband or wife or a relative of the
660 person under conservatorship, transfer the file to the probate district in
661 which the person under conservatorship resides at the time of the
662 application, if the court determines that the requested transfer is the
663 preference of the person under conservatorship. A transfer of the file
664 shall be accomplished by the [probate court] Probate Court in which
665 the conservator was originally appointed by making copies of all
666 recorded documents in the court and certifying each of them and then
667 causing them to be delivered to the court for the district in which the
668 person under conservatorship resides. When the transfer is made, the
669 [court of probate] Probate Court in which the person under
670 conservatorship resides at the time of transfer shall thereupon assume
671 jurisdiction over the conservatorship and all further accounts shall be
672 filed with such court.

673 Sec. 15. Section 45a-85 of the general statutes is repealed and the
674 following is substituted in lieu thereof (*Effective July 1, 2014*):

675 (a) The Probate Court Administrator shall establish a Probate Court

676 Budget Committee consisting of the Probate Court Administrator and
 677 two judges of probate appointed by the Connecticut Probate
 678 Assembly. The Probate Court Administrator shall serve as chairperson
 679 of the committee.

680 (b) Not later than June 30, 2010, and annually thereafter, the
 681 committee shall establish, in accordance with the criteria established in
 682 regulations issued pursuant to subsection (b) of section 45a-77: (1) A
 683 compensation plan, which plan shall include employee benefits, for
 684 employees of the courts of probate, (2) staffing levels for each court of
 685 probate, and (3) a miscellaneous office budget for each court of
 686 probate. Such compensation plan, staffing levels and office budgets
 687 shall be established within the expenditures and anticipated available
 688 funds in the proposed budget established pursuant to section 45a-84.

689 [(c) Not later than June 30, 2010, and annually thereafter, the
 690 Probate Court Budget Committee shall report to the Governor and the
 691 General Assembly, after consultation with the Office of the Chief Court
 692 Administrator and the Secretary of the Office of Policy and
 693 Management, on the committee's efforts to reduce costs and any
 694 potential cost saving measures resulting from probate court mergers
 695 effective on or after June 9, 2009. Such report shall be submitted in
 696 accordance with section 11-4a.]

697 Sec. 16. Section 45a-113 of the general statutes is repealed. (*Effective*
 698 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	17a-498
Sec. 2	<i>October 1, 2014</i>	17a-499
Sec. 3	<i>October 1, 2014</i>	17a-510
Sec. 4	<i>October 1, 2014</i>	4a-17
Sec. 5	<i>October 1, 2014</i>	45a-645b
Sec. 6	<i>October 1, 2014</i>	45a-650(b)
Sec. 7	<i>July 1, 2014</i>	17b-751a

Sec. 8	<i>July 1, 2014</i>	17b-751d
Sec. 9	<i>from passage</i>	45a-8c
Sec. 10	<i>July 1, 2014</i>	New section
Sec. 11	<i>October 1, 2014</i>	19a-575a
Sec. 12	<i>October 1, 2014</i>	45a-645
Sec. 13	<i>October 1, 2014</i>	45a-650(h)
Sec. 14	<i>October 1, 2014</i>	45a-661
Sec. 15	<i>July 1, 2014</i>	45a-85
Sec. 16	<i>from passage</i>	Repealer section

JUD *Joint Favorable Subst.*