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## **OLR Bill Analysis**

### **SB 940**

#### ***AN ACT CONCERNING STATE AGENCY COMPLIANCE WITH PROBATE COURT ORDERS.***

#### **SUMMARY**

This bill specifically requires any state agency that is a party to a probate court proceeding to recognize, apply, and enforce any probate court order, denial, or decree that applies to the agency's determination in a contested case.

Under the bill, a "state agency" refers to an agency as defined in the Uniform Administrative Procedure Act (UAPA). The bill also uses the UAPA's definition of contested case (see BACKGROUND).

Unlike most probate appeals, the bill requires a party appealing such a probate court decision to file the appeal in Hartford Superior Court, rather than the Superior Court in the judicial district where the probate court is located. Also, as is currently the case for certain probate appeals, the bill:

1. requires hearings on such an appeal to begin within 90 days after the appeal is filed, unless the probate court or Superior Court has granted a stay, and
2. prohibits the Superior Court from referring the appeal to a special assignment probate judge.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2021

#### **BACKGROUND**

##### ***Definitions***

Under the UAPA, an agency is a state board, commission,

department, or officer authorized by law to make regulations or to determine contested cases. The term does not include the House, Senate, or any legislative committee; courts; the Council on Probate Judicial Conduct; the governor, lieutenant governor, or attorney general; town or regional boards of education; or automobile dispute settlement panels.

A contested case is a proceeding in which a party's legal rights, duties, or privileges are required by state statute or regulation to be determined by an agency after an opportunity for a hearing or in which a hearing is held. The term specifically includes rate-making, price fixing, and licensing. It does not include proceedings on a petition for a declaratory ruling, hearings on proposed agency regulations, or hearings conducted by the Department of Correction or the Board of Pardons and Paroles (CGS § 4-166).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 37    Nay 0    (04/08/2021)