
OLR Bill Analysis

SB 940 (File 610, as amended by Senate "A")*

AN ACT CONCERNING STATE AGENCY COMPLIANCE WITH PROBATE COURT ORDERS.

SUMMARY

This bill specifically requires state agencies to recognize, apply, and honor any probate court order, denial, or decree that the court is statutorily authorized to issue. Under the bill, a “state agency” refers to an agency as defined in the Uniform Administrative Procedure Act (UAPA).

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 the appeal to begin within 90 days after its filing, unless the probate court or Superior Court 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.

*Senate Amendment “A” requires state agencies, rather than state agencies that are parties to a probate court proceeding, to recognize, apply, and honor (rather than enforce) probate court decisions that the court is statutorily authorized to issue, instead of only those that apply to the agency’s determination in a contested case.

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 legislative committees; 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 (CGS § 4-166).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 37 Nay 0 (04/08/2021)